

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FUJITSU LIMITED,)
)
Plaintiff,)
)
v.) Nos. 09 C 4530
) 12 C 3229
TELLABS, INC.,)
TELLABS OPERATIONS, INC., and)
TELLABS NORTH AMERICA, INC.,)
)
Defendants.)

VERDICT OF THE JURY
(Preliminary Form)

We, the jury, unanimously find and report based on the evidence presented at the trial and the law provided to us in the Final Jury Instructions, the following as the verdict of the jury:

Question 1: Has Tellabs proven that Fujitsu in its May 27, 1996 letter and Patent Statement (Tellabs Exhibit 1) agreed to license Fujitsu's '737 Patent's technology on RAND terms in compliance with the ITU's patent policies?

Answer: Yes _____ No _____

If the answer to Question 1 is "Yes," please answer Question 2. If the answer to Question 1 is "No," please sign the verdict form and do not answer any other questions.

Question 2: Has Tellabs proven that Fujitsu's '737 Patent's technology was included in the standardized technology recommended by ITU-T standard G.692 titled, "Optical interfaces for multichannel systems with optical amplifiers?"

Answer: Yes _____ No _____

If the answer to Question 2 is "Yes," please answer Question 3. If the answer to Question 2 is "No," please sign the verdict form and do not answer any other questions.

Question 3: Has Tellabs proven that Fujitsu breached its agreement to license Fujitsu's '737 Patent's technology on RAND terms by:

(a) Fujitsu not offering Tellabs a license on RAND terms for Fujitsu's '737 Patent's technology?

Answer: Yes _____ No _____

(b) Fujitsu filing a lawsuit against Tellabs seeking injunctive relief based upon alleged infringement of Fujitsu's '737 Patent?

Answer: Yes _____ No _____

(c) Fujitsu filing a lawsuit against Tellabs seeking a non-RAND royalty rate based on alleged infringement of Fujitsu's '737 Patent?

Answer: Yes _____ No _____

(d) Fujitsu filing a lawsuit against Tellabs seeking damages in the form of lost profits based on alleged infringement of Fujitsu's '737 Patent?

Answer: Yes _____ No _____

(e) Fujitsu filing a lawsuit against Tellabs alleging infringement of the '737 Patent that damaged Tellabs' business?

Answer: Yes _____ No _____

(f) Fujitsu filing a lawsuit against Tellabs alleging infringement of the '737 Patent that required Tellabs to devote management attention and time, as well as other resources to defending the lawsuit, such as attorney's fees, expert fees, and related costs?

Answer: Yes _____ No _____

If the answer to any part of Question 3 is "Yes," please answer Question 4. If the answer to each part of Question 3 is "No," please sign the verdict from, and do not answer any other questions.

Question 4: Has Tellabs proven that Tellabs would have been willing to license Fujitsu's '737 Patent's technology from Fujitsu on RAND terms in compliance with ITU's patent policies, if Fujitsu had offered Tellabs RAND terms for such a license?

Answer: Yes _____ No _____

If the answer to Question 4 is "Yes," please answer question 5. If the answer to Question 4 is "No," please sign the verdict form and do not answer any other questions.

Question 5: Has Tellabs proven that Fujitsu's breach of its agreement to license on RAND terms Fujitsu's '737 Patent's technology was willful, in that Fujitsu's breach was intentional, knowing and with conscious disregard for Tellabs' rights, or alternatively, was done with reckless disregard for Tellabs' obvious or known rights?

Answer: Yes _____ No _____

Please each sign and date below. Then notify the marshal. The Foreperson should bring this signed and dated Final Verdict Form into the courtroom to return the Jury's Verdict.

Foreperson

Juror

Date: